

REMARKS

The Office Action sets forth a restriction requirement under 35 USC §121. Applicant was requested to elect one of the following designated groups as noted below:

I. Claims 1-11, and 14, drawn to an isolated polynucleotide encoding the amino acid sequence of SEQ ID NO:2 or a portion thereof, ...expression vector...cultured cell...and a method for producing a protein... classified in class 536, subclasses 23.4 or 23.5, class 435, subclass 320.1, class 435, subclass 325+, and class 435, subclass 69.1, respectively.

II. Claims 12-13, drawn to an isolated polypeptide, classified in class 530, subclasses 350.

III. Claims 15-18, drawn to an antibody and method of producing said antibody, classified in class 530, subclass 387.9, for example, and class 424, subclass 185.1, respectively.

IV. Claims 19 and 20, drawn to a method for detecting the presence of an agonist or antagonist of zlm24 protein activity, which cannot be specified....

V. Claim 21, drawn to a method of detecting genetic abnormality in a patient, classified in class 435, subclass 6.

VI. Claim 22, drawn to a method of detecting testis tissue in a patient sample, classified in class 435, subclass 7.21.

VII. Claim 23, drawn to a method of detecting testicular cancer in a patient sample, classified in class 435, subclass 7.23.

VIII. Claim 24, drawn to a method of detecting testis tissue in a patient sample, classified in class 435, subclass 6.

IX. Claim 25, drawn to a method of detecting testicular cancer in a patient sample, classified in class 435, 6.

In response to the Requirement for Restriction Election, Applicant elects Group I Claims 1-11, and 14, drawn to isolated polypeptides with traverse. Claims 12-13, and 15-25 are withdrawn from the case; however, Applicant reserves the right to pursue and prosecute these claims in divisional and continuing applications.

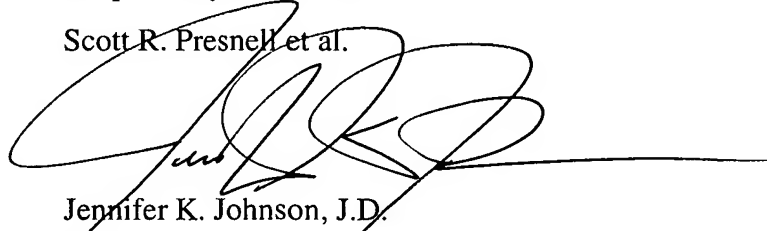
Considering the election Group I claims, Applicant has been requested to initially select a single disclosed species within the Markush group of claim 8 for initial examination. In particular, in relation to the claims in Group I, Applicant is requested to specify a specific polypeptide sequence of SEQ ID NO:2. Applicant elects the species of amino acid residues 32 to 253 of SEQ ID NO:2 as designated in claim 8(h). Applicant requests that the species within the Markush group of claim 8, e.g., those depicted in claim 8(a) through 8(g), be recombined after examination, since they are all functional fragments of the same SEQ ID NO:2. Moreover, Applicant will choose species election for the other restriction groups as they are prosecuted in continuing and divisional applications.

Moreover, Examiner incorrectly notes that in reference to claim 8(b), that "SEQ ID NO:4" should read as "SEQ ID NO:2." (OA, p.2). Claim 8(b) properly references SEQ ID NO:4 in claim 8(b). However, as the species in claim 8(b) is not currently the species being examined, Applicant will address said species when prosecuted in continuing and divisional applications.

Early reconsideration and allowance of the pending claims is respectfully requested. If the Patent Examiner believes that a telephone interview would expedite prosecution of this patent application, please call the undersigned at (206) 442-6676.

Respectfully Submitted,

Scott R. Presnell et al.

A large, stylized handwritten signature in black ink, likely belonging to Jennifer K. Johnson, J.D., is written over the typed name and registration number.

Jennifer K. Johnson, J.D.

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Enclosures:

Response to Restriction Requirement

Preliminary Amendment

Postcard